

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JAMES EDWARD REDBIRD,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-13-1017-D
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

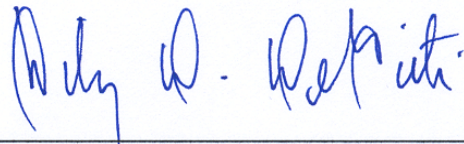
ORDER AWARDING ATTORNEY FEES

This matter comes before the Court for consideration of Plaintiff's Petition for the Award of Attorney's Fees Under the Equal Access to Justice Act [Doc. No. 21]. Plaintiff seeks an award of fees in the amount of \$1,607.50 to compensate his attorneys for legal services provided in the case. Plaintiff is the prevailing party in this action under 42 U.S.C. § 405(g) by virtue of the Amended Judgment entered July 11, 2014. The Acting Commissioner has responded by stating she has no objection to a reasonable award payable to Plaintiff, consistent with *Astrue v. Ratliff*, 560 U.S. 586, 597 (2010), and *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

After consideration of the law, the record, and the arguments of the parties, the Court finds: (1) the Commissioner's position in the case was not substantially justified; (2) Plaintiff is entitled to an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d); and (3) the amount of attorney fees requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Petition is GRANTED. The Court orders an award of attorney fees to Plaintiff pursuant to the Equal Access to Justice Act in the amount of \$1,607.50. Should an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized, Plaintiff's attorneys shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 11th day of August, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE